

SOME
REASONS
AGAINST THE

Bill for settling the Tyth of *Hemp*,
Flax, &c. by a *Modus*.



D U B L I N :

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SOME
REASONS
AGAINST THE
BILLS, &c.

THE Clergy did little expect to have any Cause of Complaint against the present House of Commons; who in the last Sessions, were pleased to throw out a Bill sent them from the Lords, which that Reverend Body apprehended would be very injurious to them, if it passed into a Law: And who, in the present Sessions, defeated the Arts and Endeavours

deavours of *Schismaticks* to repeal the *Sacramental Test*.

For, although it hath been allowed on all Hands, that the former of those Bills might, by its necessary Consequences, be very displeasing to the Lay-Gentlemen of the Kingdom, for many Reasons purely secular; and, that this last Attempt for repealing the *Test*, did much more affect, at present, the Temporal Interest than the Spiritual; yet the whole Body of the lower Clergy have, upon both those Occasions, expressed equal Gratitude to that honourable House, for their Justice and Steadiness, as if the Clergy alone were to receive the Benefit.

It must needs be, therefore, a great Addition to the Clergy's Grief, that such an Assembly as the present House of Commons; should now, with an Expedition more than usual, agree to a Bill for encouraging the Linnen-Manufacture; with a Clause, whereby the Church is to lose two Parts in Three, of the legal Tyth in Flax and Hemp.

Some Reasons, why the Clergy think such a Law will be a great Hardship upon them, are, I conceive, those that follow. I shall venture to enumerate them with all Deference due to that honourable Assembly.

First, The Clergy suppose that they have not, by any Fault or Demerit, incurred the Displeasure of the Nation's Representatives: Neither can the declared Loyalty of the present Set, from the highest Prelate to the lowest Vicar, be in the least disputed: Because, there are hardly ten Clergymen, through the whole Kingdom,

dom, for more than Nineteen Years past, who have not been either preferred entirely upon Account of their declared Affection to the *Hanover* Line; or higher promoted as the due Reward of the same Merit.

There is not a Landlord in the whole Kingdom, residing some Part of the Year at his Country Seat, who is not, in his own Conscience, fully convinced, that the Tythes of his Minister have gradually sunk, for some Years past, one Third, or at least one Fourth of their former Value, exclusive of all *Non-Solven*cies.

The Payment of Tythes in this Kingdom, is subject to so many Frauds, Brangles, and other Difficulties, not only from *Papists* and *Dissenters*, but even from those who profess themselves *Protestants*; that by the Expence, the Trouble, and Vexation of collecting, or bargaining for them, they are, of all other Rents, the most precarious, uncertain, and ill paid.

The Landlords in most Parishes expect, as a Compliment, that they shall pay little more than half the Value of their Tythes for the Lands they hold in their own Hands; which often consist of large Domains: And it is the Minister's Interest to make them easy upon that Article, when he considers what Influence those Gentlemen have upon their Tenants.

The Clergy cannot but think it extremely severe, that in a Bill for encouraging the Linnen-Manufacture, they alone must be the Sufferers, who can least afford it: If, as I am told, there
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be a Tax of three Thousand Pounds a Year, paid by the Publick, for a further Encouragement to the said Manufacture; are not the Clergy equal Sharers in the Charge with the rest of their Fellow-Subjects? What satisfactory Reason can be therefore given, why they alone should bear the whole additional Weight, unless it will be alledged, that their Property is not upon an equal Foot with the Properties of other Men. They acquire their own small Pittance, by at least as honest Means, as their Neighbours the Landlords possess their Estates; and have been always supposed, except in rebellious or fanatical Times, to have as good a Title: For, no Families now in Being, can shew a more antient. Indeed, if it be true, that some Persons (I hope they were not many) were seen to laugh when the Rights of the Clergy were mentioned; in this Case, an Opinion may possibly be soon advanced, that they have no Rights at all. And this is likely enough to gain Ground, in Proportion as the Contempt of all Religion shall increase; which is already in a very forward Way.

It is said, there will be also added in this Bill, a Clause for diminishing the Tyth of Hopps, in order to cultivate that useful Plant among us: And here likewise the Load is to lie entirely on the Shoulders of the Clergy, while the Landlords reap all the Benefit. It will not be easy to foresee where such Proceedings are like to stop: Or whether by the same Authority, in civil Times, a Parliament may not as justly challenge the same Power in reducing all things Tythable,

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not below the tenth Part of the Product, (which is and ever will be the Clergies equitable Right) but from a tenth Part to a Sixtieth or Eightieth, and from thence to nothing.

I have heard it granted by skilful Persons, that the Practice of taxing the Clergy by Parliament, without their own Consent, is a new thing, not much above the Date of Seventy Years: Before which Period, in Times of Peace, they always taxed themselves. But things are extremely altered at present: It is not now sufficient to tax them in common with their Fellow-Subjects, without imposing an additional Tax upon them, from which, or from any thing equivalent, all their Fellow-Subjects are exempt; and this in a Country professing Christianity.

The greatest Part of the Clergy throughout this Kingdom, have been stripped of their Glebes by the Confusion of Times, by Violence, Fraud, Oppression, and other unlawful Means. All which Glebes are now in the Hands of the Laity. So that they now are generally forced to lie at the Mercy of Landlords, for a small Piece of Ground in their Parishes, at a most exorbitant Rent, and usually for a short Term of Years; whereon to build a House, and enable them to reside. Yet, in Spight of these Disadvantages, I am a Witness that they are generally more constant Residents than their Brethren in *England*; where the meanest Vicar hath a convenient Dwelling, with a Barn, a Garden, and a Field or two for his Cattle; besides the Certainty of his little Income from honest Farmers, able and willing not only to pay him his Dues,

Dues, but likewise to make him Presents, according to their Ability, for his better Support. In all which Circumstances, the Clergy of *Ireland* meet with a Treatment directly contrary.

It is hoped, the honourable House will consider that it is impossible for the most ill-minded, avaricious, or cunning Clergyman, to do the least Injustice to the meanest Cottager in his Parish, in any Bargain for Tythes, or other Ecclesiastical Dues. He can, at the utmost, only demand to have his Tyth fairly laid out; and does not once in a Hundred Times obtain his Demand. But every Tenant, from the poorest Cottager to the most substantial Farmer, can, and generally doth impose upon the Minister, by Fraud, by Theft, by Lyes, by Perjuries, by Insolence, and sometimes by Force; notwithstanding the utmost Vigilance and Skill of himself and his Procter. Insomuch, that it is allowed, that the Clergy in general receive little more than one half of their legal Dues; not including the Charges they are at in collecting or bargaining for them.

The Land-Rents of *Ireland* are computed to about two Millions, whereof one Tenth amounts to two hundred thousand Pounds. The beneficed Clergymen, excluding those of this City, are not reckoned to be above five hundred; by which Computation, they should each of them possess two hundred Pounds a Year, if those Tythes were equally divided, although in well-cultivated Corn-Countries it ought to be more; whereas they hardly receive

ceive one half of that Sum ; with great Defalcations, and in very bad Payments. There are indeed a few Glebes in the *North* pretty considerable; but if these and all the rest were in like Manner equally divided, they would not add five Pounds a Year to every Clergyman. Therefore, whether the Condition of the Clergy in general among us be justly lyable to Envy, or able to bear a heavy Burthen; which neither the Nobility, nor Gentry, nor Tradesmen, nor Farmers; will touch with one of their Fingers; this, I say, is submitted to the Honourable House.

One terrible Circumstance in this Bill, is that of turning the Tyth of *Flax* and *Hemp* into what the Lawyers call a *Modus*, or a certain Sum in lieu of a tenth Part of the Product. And by this Practice of claiming a *Modus* in many Parishes by ancient Custom, the Clergy in both Kingdoms have been almost incredible Sufferers. Thus, in the present Case, the Tyth of a tolerable Acre of *Flax*, which by a Medium is worth twelve Shillings, is by the present Bill reduced to four Shillings. Neither is this the worst Part in a *Modus*; every determinate Sum must in process of Time sink from a fourth to a four-and-twentieth Part, or a great deal lower, by that necessary Fall attending the Value of Money, which is now at least nine Tenths lower all over *Europe* than it was four hundred Years ago, by a gradual Decline; and even a third Part at least within our own Memories, in purchasing almost every

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thing

thing required for the Necessities or Conveniencies of Life; as any Gentleman can attest, who hath kept House for twenty Years past. And this will equally affect poor Countries as well as rich. For, although I look upon it as an Impossibility that this Kingdom should ever thrive under its present Disadvantages, which without a Miracle must still increase; yet, when the whole Cash of the Nation shall sink to fifty thousand Pounds; we must in all our Traffick abroad, either of Import or Export, go by the general Rate at which Money is valued in those Countries that enjoy the common Privileges of human Kind. For this Reason, no Corporation, (if the Clergy may presume to call themselves one) should by any Means grant away their Properties in Perpetuity upon any Consideration whatsoever: Which is a Rock that many Corporations have split upon, to their great Impoverishment, and sometimes to their utter Undoing. Because they are supposed to subsist for ever; and because no Determination of Money is of any certain perpetual intrinsic Value. This is known enough in *England*, where Estates let for ever, some hundred Years ago, by several antient noble Families, do not at this present pay their Posterity a twentieth Part of what they are now worth at an easy Rent.

A Tax affecting one Part of a Nation, which already bears its full Share in all Parliamentary Impositions, cannot possibly be just, except it be inflicted as a Punishment upon that Body of Men which is taxed, for some
great

great Demerit, or Danger to the Publick apprehended from those upon whom it is laid : Thus the *Papists* and *Nonjurors* have been doubly taxed for refusing to give proper Securities to the Government ; which cannot be objected against the Clergy. And therefore, if this Bill should pass ; I think it ought to be with a Preface, shewing wherein they have offended, and for what Disaffection or other Crime they are punished.

If an additional Excise upon Ale, or a Duty upon Flesh and Bread, were to be enacted, neither the Victualler, Butcher, or Baker would bear any more of the Charge than for what themselves consumed ; but it would be an equal general Tax through the whole Kingdom : Whereas, by this Bill, the Clergy alone are avowedly condemned to be deprived of their ancient, inherent, undisputed Rights, in order to encourage a Manufacture by which all the rest of the Kingdom are supposed to be Gain-ers.

This Bill is directly against *Magna Charta*, whereof the first Clause is for confirming the inviolable Rights of Holy Church ; as well as contrary to the Oath taken by all our Kings at their Coronation, where they swear to defend and protect the Church in all Rights.

A Tax laid upon Employments is a very different thing. The Possessors of civil and military Employments are no Corporation ; neither are they any Part of our Constitution ; Their Salaries, Pay, and Perquisites are all changeable at the Pleasure of the Prince who bestows

bestows them, although the Army be paid from Funds raised and appropriated by the Legislature. But the Clergy as they have little Reason to expect, so they desire no more than their antient legal Dues ; only indeed with the Removal of many grievous Impediments in the Collection of them ; which it is to be feared they must wait for until more favourable Times. It is well known, that they have already of their own Accord shewn great Indulgence to their People upon this very Article of *Flax*, seldom taking above a fourth Part of their Tyth for small Parcels, and oftentimes nothing at all from new Beginners ; waiting with Patience until the Farmers were able, and until greater Quantities of Land were employed in that part of Husbandry ; never suspecting that their good Intentions should be perverted in so singular a Manner to their Detriment, by that very Assembly, which, during the time that Convocations (which are an original Part of our Constitution ever since Christianity became National among us) are thought fit to be suspended, God knows for what Reason, or from what Provocations ; I say from that very Assembly, who, during the Intervals of Convocations, should rather be supposed to be Guardians of the Rights and Properties of the Clergy, than to make the least Attempt upon either.

I have not heard upon Enquiry, that any of those Gentlemen, who, among us without Doors, are called the Court-Party, discover the least Zeal in this Affair. If they had Thoughts

to interpose, it might be conceived they would shew their Displeasure against this Bill, which must very much lessen the Value of the King's Patronage upon Promotion to vacant Sees; in the Disposal of Deanries, and other considerable Preferments in the Church, which are in the Donation of the Crown; whereby the Viceroys will have fewer good Preferments to bestow on their Dependents, as well as upon the Kindred of Members, who may have a sufficient Stock of that Sort of Merit, whatever it may be, which may in future Times most prevail.

The *Dissenters*, by not succeeding in their Endeavours to procure a Repeal of the *Test*, have lost nothing, but continue in a full Enjoyment of their Toleration; while the Clergy without giving the least Offence, are by this Bill deprived of a considerable Branch of their antient legal Rights, whereby the Schismatical Party will have the Pleasure of gratifying their Revenge. *Hoc Graij voluere.*

The Farmer will find no relief by this Modus, because when his present Lease shall expire, his Landlord will infallibly raise the Rent in an equal Proportion, upon every part of Land where Flax is sown, and have so much a better Security for Payment at the Expence of the Clergy.

If we judge by things past, it little avails that this Bill is to be limited to a certain Time of ten, twenty, or thirty Years. For no Landlord will ever consent that a Law shall expire, by which he finds himself a Gainer; and of this
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there are many Examples as well in *England* as in this Kingdom.

The great end of this Bill is by proper Encouragement to extend the Linnen Manufacture into those Counties where it hath hitherto been little cultivated : But this Encouragement of *lessening the Tyth of Flax and Hemp* is one of such a Kind as, it is to be feared, will have a directly contrary Effect. Because, if I am rightly informed, no set of Men hath for their number and Fortunes been more industrious and successful than the Clergy, in introducing that Manufacture into places which were unacquainted with it ; by persuading their People to sow *Flax* and *Hemp*, by procuring Seed for them and by having them instructed in the Management thereof ; and this they did not without reasonable hopes of increasing the Value of their Parishes after some time, as well as of promoting the Benefit of the Publick. But if this *Modus* should take Place, the Clergy will be so far from gaining that they will become Losers by any extraordinary Care, by having their best arable Lands turned to *Flax* and *Hemp*, which are reckoned great impoverishers of Land ; They cannot therefore be blamed, if they should shew as much Zeal to prevent its being introduced or improved in their Parishes as they hitherto have shew'd in the introducing and improving it. This, I am told, some of them have already declared at least so far as to resolve not to give themselves any more trouble than other Men about promoting a Manufacture by the Success of which, they only of all Men are to be

be Sufferers: Perhaps the giving them even a further Encouragement than the Law doth, as it now stands, to a set of Men who might on many Accounts be so useful to this purpose, would be no bad Method of having the great end of the Bill more effectually answered: But this is what they are far from desiring; all they petition for is no more than to continue on the same footing with the rest of their Fellow-Subjects.

If this *Modus* of paying by the Acre be to pass into a Law, it were to be wished that the same Law would appoint one or more sworn Surveyors in each Parish to measure the Lands on which *Flax* and *Hemp* are sown, as also would settle the Price of Surveying, and determine whether the Incumbent or Farmer is to pay for each annual Survey. Without something of this Kind, there must constantly be disputes between them, and the neighbouring Justice's of Peace must be teized as often as those disputes happen.

I had written thus far, when a Paper was sent to me with several Reasons against the Bill, some whereof although they have been already touched, are put into a better light, and the rest did not occur to me. I shall deliver them in the Author's own Words.

No B. *Some Alterations have been in the Bill about the Modus, since the above Paper was write; but they are of little Moment.*

SOME



SOME FURTHER
REASONS
AGAINST

The Bill for settling the Tyth of
Hemp, Flax, &c.

I. **T**HAT Tyths are the Patrimony of the Church : And if not of Divine Original, yet at least of great Antiquity.

II. That all Purchases and Leases of Tythable Lands, for many Centuries past, have been made and taken, subject to the Demand of Tyths, and those Lands sold and taken just so much the cheaper on that Account.

III. That if any Lands are exempted from Tyths ; or the legal Demands of such Tyths lessened by Act of Parliament, so much Value is taken from the Proprietor of the Tyths, and vested in the Proprietor of the Lands, or his Head-Tenants.

IV.

IV. That no innocent unoffending Person can be so deprived of his Property without the greatest Violation of common Justice.

V. That to do this upon a Prospect of encouraging the Linnen, or any other Manufacture, is acting upon a very mistaken and unjust Supposition, inasmuch as the Price of the Lands so occupied will be no way lessened to the Farmer by such a Law.

VI. That the Clergy are content chearfully to bear (as they now do) any Burthen in common with their Fellow-Subjects, either for the Support of his Majesty's Government, or the Encouragement of the Trade of the Nation; but think it very hard, that they should be singled out to pay heavier Taxes than others, at a Time when by the Decrease of the Value of their Parishes they are less able to bear them.

VII. That the Legislature hath heretofore distinguished the Clergy by Exemptions, and not by additional Loads, and the present Clergy of the Kingdom hope they have not deserved worse of the Legislature than their Predecessors.

VIII. That by the original Constitution of these Kingdoms, the Clergy had the sole Right of taxing themselves, and were in Possession of that Right as low as the Restoration: And if that Right be now devolved upon the Commons by the Cession of the Clergy, the Commons can be considered in this Case in no other Light than as the Guardians of the Clergy.

XI. That besides those Tyths always in the possession of the Clergy ; there are some portions of Tyths lately come into their possession by Purchase ; that if this Clause should take Place, they would not be allowed the Benefit of these Purchases, upon an equal Foot of Advantage with the rest of their Fellow-Subjects. And that some Tyths in the Hands of Impropriators, are under Settlements and Mortgages.

XII. That the Gentlemen of this House should consider, that loading the Clergy is loading their own younger Brothers and Children ; with this additional Grievance, that it is taking from the Younger and Poorer, to give to the Elder and Richer. And,

Lastly, That if it were at any Time just and proper to do this, it would however be too severe to do it now, when all the Tyths of the Kingdom are known for some Years past, to have sunk almost above one third Part in their Value.

Any Income in the Hands of the Clergy, is at least as useful to the Publick, as the same income in the Hands of the Laity.

It were more reasonable to grant the Clergy in three parts of the Nation an Additional support, than to diminish their present Subsistence.

Great Employments are and will be in the Hands of *Englishmen*; nothing left for the younger Sons of *Irishmen* but *Vicarages*, *Tyde-waiters* Places, &c. therefore no reason to make them worse.

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The *Modus* upon the Flax in *England*, affects only Lands reclaimed since the Year 1690, and is at the Rate of five Shillings the *English* Acre, which is equivalent to eight Shillings and eight pence *Irish*, and that to be paid before the Farmer removed it from the Field. Flax is a Manufacture of little consequence in *England*, but is the Staple in *Ireland*, and if it Increases (as it probably will) must in many Places jostle out Corn, because it is more gainful.

The Clergy of the established Church, have no Interest like those of the Church of *Rome*, distinct from the true Interest of their Country; and therefore ought to suffer under no distinct Impositions or Taxes of any Kind.

The Bill for settling the *Modus* of Flax in *England*, was brought in, in the first Year of the Reign of King *George* the I. when the Clergy lay very unjustly under the Imputation of some Disaffection. — And to encourage the bringing in of some Fenns in *Lincoln-Shire*, which were not to be continued under Flax : But, it left all Lands where Flax had been sown before that Time, under the same condition of Tything, in which they were before the passing of that Bill : Whereas this Bill takes away what the Clergy are actually possessed of.

That the Woollen Manufacture is the Staple of *England*, as the Linnen is that of *Ireland*, yet no Attempt was ever made in *England* to reduce the Tyth of Wool, for the Encouragement of that Manufacture.

This Manufacture hath already been remarkably favoured by the Clergy, who have hither
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to been generally content with less than half — some with six Pence a Garden — and some have taken nothing.

Employments they say have been taxed, the reasons for which Taxation will not hold with regard to property, at least till Employments become Inheritances.

The Commons always have had so tender a Regard to Property ; that they never would suffer any Law to pass, whereby any particular Persons might be aggrieved without their own Consent.

F I N I S.

